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Attorney Docket N . 26448-510 CON

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Egan et al.

SERIAL NUMBER : 10/037,447

EXAMINER : Cybille Delacroix-Muirheid

FILING DATE : December 31, 2001

ART UNIT : 1614

FOR : METHODS FOR TREATING FIBROTIC DISEASES OR OTHER INDICATIONS ID

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

Response to Restriction and Species Election Requirement (2 pages);
Return Postcard.

Although the Applicants believe that no fees are due, the Commissioner is hereby authorized to charge any fees that may be due to Deposit Account No. 50-0311 (Ref. No. 26448-510 CON). If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

Ivor R. Elrifi
Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO P.C.
Address all written correspondence to
Customer no.: 30623
Tel: (617) 542-6000
Fax: (617) 542-2241

Dated: December 15, 2003

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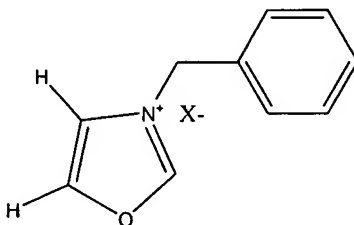
FOR : METHODS FOR TREATING FIBROTIC DISEASES OR OTHER INDICATIONS ID

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P.O. Box 1450
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RESPONSE TO SUPPLEMENTAL RESTRICTION REQUIREMENT

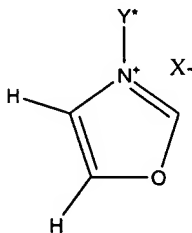
In response to the Restriction and Species Election Requirement mailed on November 14, 2003, Applicants elect Group I, claims 1-7 and 9 (renumbered), drawn to a compound and pharmaceutical compositions thereof, classified in class 548, subclass 215+.

In response to the species election presented in Paragraph 4 of the Restriction Requirement (Page 3), Applicants elect the species 3-benzyl-oxazol-3-ium:



Applicants respectfully traverse the requirement and note that the election of species is made for the purpose of examination of the claims only and that applicants maintain the right to have the full scope of the claims, as written, examined on the merits.

As a sub-generic species, Applicants elect a compound of Formula II, wherein R_1 and R_2 are hydrogen (Paragraph 1 of the claim):


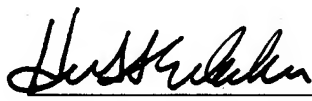


APPLICANTS: Egan et al.
SERIAL NUMBER: 10/037,447

Applicants are still unclear with respect to the Examiner's species election in Paragraph 4 of the Restriction Requirement (Page 3). The Examiner has requested election of a single disease to be treated. Applicants point out that elected claims 1-7 (renumbered) are compound and pharmaceutical composition claims. Claim 9 (renumbered) relates to the use of a compound of one of claims 1-6 (renumbered) to manufacture a medicament to treat or ameliorate an indication of the invention. To the extent that the election of a single disease to be treated applies to claim 9 (renumbered), Applicants hereby elect arteriosclerosis, without prejudice or disclaimer. Again, Applicants request clarification as to which claims the disease species election applies.

A response is due on December 14, 2003, which is a Sunday. Therefore, a response is due on or before Monday, December 15, 2003. Applicants believe no fees are due with this filing. However, should any fees be deemed necessary in connection with this filing, please charge any fees that may be due to Deposit Account No. 50-0311; Attorney Reference No. 26448-510 CON (Customer Number: 30623). If there are any questions regarding this application that can be handled in a phone conference with Applicants' Attorney, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

  Ex. No. 45,409
Ivor R. Elrifi, Reg. No. 39,529
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Dated: December 15, 2003